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In re Application of:

Dirk-Jan VAN MANEN et al. : DECISION ON REQUEST TO
Application No.: 10/501,271 : PARTICIPATE IN PATENT
Filed: May 1, 2006 : PROSECUTION HIGHWAY PILOT
Attorney Docket No.: : PROGRAM AND PETITION TO
14.0202-PCT-US : MAKE SPECIAL UNDER 37 CFR
For: METHOD OF AND : 1.102(d)
APPARATUS FOR PROCESSING :
SEISMIC DATA :
:

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed November 9, 2007, to make the above-identified application special.

The request and petition are **DISMISSED AS MOOT**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in a foreign country;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the foreign application(s);
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the foreign application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the Office actions from each of the foreign application(s) containing the allowable/patentable claim(s);
- (6) Applicant must submit an IDS listing the documents cited by the foreign examiner in the foreign Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot is not grantable as per item (4) above in that examination of the U.S. application has already begun. A non-final rejection was mailed November 15, 2007.

Further, the preliminary amendment filed with the petition will not be entered as it would have unduly interfered with the preparation of the first Office action. See 37 C.F.R. 1.115(b)(2). While the amendment was faxed in Friday, November 9, 2007, the Examiner's search was conducted November 7 and the Office action was submitted as complete at the latest by Tuesday, November 13, with Monday, November 12 being a holiday. Thus no time was available to process the amendment without unduly interfering with the preparation of the action.

No time period for reply to this decision is available since an Office action on the merits has already been mailed.

Telephone inquires concerning this decision should be directed to Robert Weinhardt at 571-272-6633. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.



Robert Weinhardt
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